

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1) VIDEO GAMING TECHNOLOGIES, INC., )  
)  
)  
Plaintiff, )  
)  
v. ) Case No. 4:17-cv-00454-GKF-JFJ  
)  
1) CASTLE HILL STUDIOS LLC )  
(d/b/a CASTLE HILL GAMING); )  
2) CASTLE HILL HOLDING LLC )  
(d/b/a CASTLE HILL GAMING); and )  
3) IRONWORKS DEVELOPMENT, LLC )  
(d/b/a CASTLE HILL GAMING) )  
)  
Defendants. )

**PLAINTIFF’S MOTION TO SEAL OPPOSITION TO DEFENDANTS’ MOTION IN  
LIMINE TO EXCLUDE EVIDENCE OF ACTUAL CONFUSION**

Pursuant to Local Rule 79.1, General Order In Re The Use of Confidential Information In Civil Cases (“GO 08-11”), and paragraph 2(f) of the Stipulated Protective Order (Dkt. 55), Plaintiff Video Gaming Technologies, Inc. (“VGT”), hereby requests that the Court enter an order to seal Plaintiff’s unredacted Opposition to Defendants’ Motion *in Limine* to Exclude Evidence of Actual Confusion (“the Opposition”) and Exhibits C, D, E, F, G, and H to the Declaration of Rebecca Dalton in Support of Plaintiff’s Opposition to Defendants’ Motion *in Limine* to Exclude Evidence of Actual Confusion (the “Dalton Declaration”) (collectively, Dkt. 206). In support of this motion, Plaintiff states the following:

1. Portions of the Opposition contain information designated by Plaintiff and Defendants as Highly Confidential Information pursuant to paragraph 2(a) of the Stipulated Protective Order.

2. Portions of the Opposition contain discussion of deposition testimony that has been designated as Highly Confidential Information pursuant to paragraph 2(c) of the Stipulated Protective Order.

3. Exhibit C to the Dalton Declaration consists of excerpts from the deposition testimony of Aaron Milligan, dated February 9, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order, has been designated by Defendants as Highly Confidential Information.

4. Exhibit D to the Dalton Declaration consists of excerpts from the deposition testimony of Jason Sprinkle, dated May 18, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order, should be treated as Confidential Information.

5. Exhibit E to the Dalton Declaration is a document produced by CHG to VGT bearing Bates stamps CHG0009315-17. Pursuant to paragraphs 2(a) of the Stipulated Protective Order, Defendants have designated this document as Highly Confidential Information.

6. Exhibit F to the Dalton Declaration consists of excerpts from the deposition testimony of James T. Berger, dated September 26, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order, should be treated as Confidential Information.

7. Exhibit G to the Dalton Declaration consists of excerpts from the deposition testimony of Arthur A. Watson III, dated July 12, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order, should be treated as Highly Confidential Information.

8. Exhibit H to the Dalton Declaration consists of excerpts from the deposition testimony of Jay Seigny, dated July 12, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order, should be treated as Highly Confidential Information.

9. In accordance with Local Rule 79.1, GO 08-11, and the Stipulated Protective Order, Plaintiff has filed public, redacted versions of the Opposition and Dalton Declaration, (collectively, Dkt. 205), as well as sealed, unredacted versions of the Opposition and Dalton Declaration (collectively, Dkt. 206).

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting sealing Plaintiff's Opposition to Defendants' Motion in Limine to Exclude Evidence of Actual Confusion and Exhibits C, D, E, F, G, and H to the Dalton Declaration (collectively, Dkt. 206).

November 16, 2018

Respectfully submitted,

/s/ Gary Rubman

Graydon Dean Luthey, Jr., OBA No. 5568  
GABLE GOTWALS  
1100 ONEOK Plaza  
100 West Fifth Street  
Tulsa, OK 74103-4217  
Telephone: (918) 595-4821  
Facsimile: (918) 595-4990  
dluthey@gablelaw.com

Gary M. Rubman  
Peter A. Swanson  
Michael S. Sawyer  
Rebecca B. Dalton  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, D.C. 20001-4956  
Telephone: (202) 662-6000  
Facsimile: (202) 778-5465  
grubman@cov.com  
pswanson@cov.com  
msawyer@cov.com  
rdalton@cov.com  
(admitted pro hac vice)

Neil K. Roman  
COVINGTON & BURLING LLP  
The New York Times Building

620 Eighth Avenue  
New York, NY 10018-1405  
Telephone: (212) 841-1221  
Facsimile: (212) 841-1010  
nroman@cov.com  
(admitted pro hac vice)

***Counsel for Video Gaming Technologies, Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2018, I filed the foregoing via CM/ECF, which caused the foregoing to be served on the following counsel for Defendants:

Robert C. Gill  
Thomas S. Schaufelberger  
Matthew J. Antonelli  
Henry A. Platt  
SAUL EWING ARNSTEIN & LEHR, LLP  
1919 Pennsylvania Avenue, NW, Suite 550  
Washington, D.C. 20006  
(202) 295-6605  
(202) 295-6705 (facsimile)  
robert.gill@saul.com  
tschauf@saul.com  
matt.antonelli@saul.com  
henry.platt@saul.com

Sherry H. Flax  
SAUL EWING ARNSTEIN & LEHR, LLP  
500 E. Pratt Street, Suite 900  
Baltimore, Maryland 21202  
(410) 332-8764  
(410) 332-8785 (facsimile)  
sherry.flax@saul.com

James C. Hodges, OBA 4254  
JAMES C. HODGES, PC  
2622 East 21st Street, Suite 4  
Tulsa, OK 74114  
Telephone: (918) 779-7078  
JHodges@HodgesLC.Com

Duane H. Zobrist  
Jonathan S. Jacobs  
ZOBRIST LAW GROUP PLLC  
1900 Arlington Blvd. Suite B  
Charlottesville, VA 22903  
Telephone: (434) 658-6400  
dzobrist@zoblaw.com  
jjacobs@zoblaw.com

*Attorneys for Defendants*

/s/ Gary Rubman